



General Assembly

January Session, 2015

Amendment

LCO No. 7208



Offered by:

SEN. LOONEY, 11th Dist.

SEN. COLEMAN, 2nd Dist.

To: Subst. Senate Bill No. 650

File No. 754

Cal. No. 444

"AN ACT CONCERNING TEMPORARY RESTRAINING ORDERS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 6-32 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2015*):

5 (a) Each state marshal shall receive each process directed to such
6 marshal when tendered, execute it promptly and make true return
7 thereof; and shall, without any fee, give receipts when demanded for
8 all civil process delivered to such marshal to be served, specifying the
9 names of the parties, the date of the writ, the time of delivery and the
10 sum or thing in demand. If any state marshal does not duly and
11 promptly execute and return any such process or makes a false or
12 illegal return thereof, such marshal shall be liable to pay double the
13 amount of all damages to the party aggrieved.

14 (b) When serving a restraining order issued pursuant to section 46b-

15 15, as amended by this act, or a civil protection order issued pursuant
16 to section 46b-16a, a state marshal shall indicate whether the service
17 was successful or unsuccessful and if successful the date, time and
18 place of service and whether such service was in hand or abode
19 service.

20 (c) A state marshal (1) may access the Judicial Branch's Internet-
21 based service tracking system, and (2) shall, as soon as possible, but
22 not later than two hours after the time that service is effectuated for a
23 restraining order issued pursuant to section 46b-15, as amended by
24 this act, or a civil protection order issued pursuant to section 46b-16a,
25 input into the service tracking system the date, time and method of
26 service. If prior to the date of the scheduled hearing concerning the
27 restraining order or civil protection order, service has not been
28 effectuated, a state marshal shall input into the service tracking system
29 that service was unsuccessful.

30 [(b)] (d) A civil [protective] protection order issued pursuant to
31 section 46b-16a constitutes civil process for purposes of the powers
32 and duties of a state marshal. The cost of serving a civil [protective]
33 protection order issued pursuant to section 46b-16a shall be paid by
34 the Judicial Branch in the same manner as the cost of serving a
35 restraining order issued pursuant to section 46b-15, as amended by
36 this act, and fees and expenses associated with the serving of a civil
37 [protective] protection order shall be calculated in accordance with
38 subsection (a) of section 52-261, as amended by this act.

39 Sec. 2. Subsection (j) of section 6-38b of the general statutes is
40 repealed and the following is substituted in lieu thereof (*Effective*
41 *October 1, 2015*):

42 (j) The commission [may] shall adopt [such] rules as it deems
43 necessary for conduct of its internal affairs, [and] including, but not
44 limited to, rules that provide for: (1) The provision of timely, consistent
45 and reliable access to a state marshal for persons applying for a
46 restraining order under section 46b-15, as amended by this act; (2) the

47 provision of services to persons with limited English proficiency; (3)
48 the provision of services to persons who are deaf or hearing impaired;
49 and (4) service of process that is a photographic copy, micrographic
50 copy or other electronic image of an original document that clearly and
51 accurately copies such original document. The commission shall adopt
52 regulations in accordance with the provisions of chapter 54 for the
53 application and investigation requirements for filling vacancies in the
54 position of state marshal.

55 Sec. 3. Section 46b-15 of the general statutes is repealed and the
56 following is substituted in lieu thereof (*Effective October 1, 2015*):

57 (a) Any family or household member, as defined in section 46b-38a,
58 who has been subjected to a continuous threat of present physical pain
59 or physical injury, stalking or a pattern of threatening, including, but
60 not limited to, a pattern of threatening, as described in section 53a-62,
61 by another family or household member may make an application to
62 the Superior Court for relief under this section.

63 (b) The application form shall allow the applicant, at the applicant's
64 option, to indicate, under oath, whether, to the best of the applicant's
65 knowledge, the respondent holds a permit to carry a pistol or revolver,
66 an eligibility certificate for a pistol or revolver, a long gun eligibility
67 certificate or an ammunition certificate or possesses one or more
68 firearms or ammunition. The application shall be accompanied by an
69 affidavit made under oath which includes a brief statement of the
70 conditions from which relief is sought. Upon receipt of the application
71 the court shall order that a hearing on the application be held not later
72 than fourteen days from the date of the order except that, if the court
73 issues an ex parte order against a respondent who is a peace officer as
74 defined in section 53a-3, such peace officer may request of the Judicial
75 Branch that the hearing on the application be held as soon as
76 practicable. The Judicial Branch shall establish a process to facilitate
77 the scheduling of a hearing on an expedited basis when requested to
78 do so by a peace officer pursuant to this subsection. The court, in its
79 discretion, may make such orders as it deems appropriate for the

80 protection of the applicant and such dependent children or other
81 persons as the court sees fit. In making such orders, the court, in its
82 discretion, may consider relevant court records if the records are
83 available to the public from a clerk of the Superior Court or on the
84 Judicial Branch's Internet web site. Such orders may include temporary
85 child custody or visitation rights, and such relief may include, but is
86 not limited to, an order enjoining the respondent from (1) imposing
87 any restraint upon the person or liberty of the applicant; (2)
88 threatening, harassing, assaulting, molesting, sexually assaulting or
89 attacking the applicant; or (3) entering the family dwelling or the
90 dwelling of the applicant. Such order may include provisions
91 necessary to protect any animal owned or kept by the applicant
92 including, but not limited to, an order enjoining the respondent from
93 injuring or threatening to injure such animal. If an applicant alleges an
94 immediate and present physical danger to the applicant, the court may
95 issue an ex parte order granting such relief as it deems appropriate. If a
96 postponement of a hearing on the application is requested by either
97 party and granted, the ex parte order shall not be continued except
98 upon agreement of the parties or by order of the court for good cause
99 shown. If a hearing on the application is scheduled or an ex parte order
100 is granted and the court is closed on the scheduled hearing date, the
101 hearing shall be held on the next day the court is open and any such ex
102 parte order shall remain in effect until the date of such hearing.

103 (c) If the court issues an ex parte order pursuant to subsection (b) of
104 this section, with a hearing date to be held not later than fourteen days
105 from the date of the order, and service has not been made on the
106 respondent in conformance with subsection (h) of this section by the
107 date of the hearing, and the applicant is in attendance at such hearing,
108 the court shall continue the hearing to such date as necessary to
109 achieve service on the respondent and shall extend any ex parte order
110 until such date, but not to exceed fourteen days from the originally
111 scheduled hearing date, unless the applicant requests the court not to
112 continue the ex parte order. The clerk shall prepare a new order of
113 hearing and notice containing the new hearing date, which shall be

114 served upon the respondent in accordance with the provisions of this
115 section, along with all of the documents initially intended for service,
116 not less than three days before the new hearing date. If service has not
117 been made on the respondent by the date of the second hearing on the
118 application, the ex parte order shall not be continued except by order
119 of the court for good cause shown.

120 ~~[(c)]~~ (d) Any ex parte restraining order entered under subsection (b)
121 of this section in which the applicant and respondent are spouses, or
122 persons who have a dependent child or children in common and who
123 live together, may include, if no order exists, and if necessary to
124 maintain the safety and basic needs of the applicant or the dependent
125 child or children in common of the applicant and respondent, in
126 addition to any orders authorized under subsection (b) of this section,
127 any of the following: (1) An order prohibiting the respondent from (A)
128 taking any action that could result in the termination of any necessary
129 utility services or necessary services related to the family dwelling or
130 the dwelling of the applicant, (B) taking any action that could result in
131 the cancellation, change of coverage or change of beneficiary of any
132 health, automobile or homeowners insurance policy to the detriment
133 of the applicant or the dependent child or children in common of the
134 applicant and respondent, or (C) transferring, encumbering, concealing
135 or disposing of specified property owned or leased by the applicant; or
136 (2) an order providing the applicant with temporary possession of an
137 automobile, checkbook, documentation of health, automobile or
138 homeowners insurance, a document needed for purposes of proving
139 identity, a key or other necessary specified personal effects.

140 ~~[(d)]~~ (e) At the hearing on any application under this section, if the
141 court grants relief pursuant to subsection (b) of this section and the
142 applicant and respondent are spouses, or persons who have a
143 dependent child or children in common and who live together, and if
144 necessary to maintain the safety and basic needs of the applicant or the
145 dependent child or children in common of the applicant and
146 respondent, any orders entered by the court may include, in addition

147 to the orders authorized under subsection (b) of this section, any of the
148 following: (1) An order prohibiting the respondent from (A) taking any
149 action that could result in the termination of any necessary utility
150 services or services related to the family dwelling or the dwelling of
151 the applicant, (B) taking any action that could result in the cancellation,
152 change of coverage or change of beneficiary of any health, automobile
153 or homeowners insurance policy to the detriment of the applicant or
154 the dependent child or children in common of the applicant and
155 respondent, or (C) transferring, encumbering, concealing or disposing
156 of specified property owned or leased by the applicant; (2) an order
157 providing the applicant with temporary possession of an automobile,
158 checkbook, documentation of health, automobile or homeowners
159 insurance, a document needed for purposes of proving identity, a key
160 or other necessary specified personal effects; or (3) an order that the
161 respondent: (A) Make rent or mortgage payments on the family
162 dwelling or the dwelling of the applicant and the dependent child or
163 children in common of the applicant and respondent, (B) maintain
164 utility services or other necessary services related to the family
165 dwelling or the dwelling of the applicant and the dependent child or
166 children in common of the applicant and respondent, (C) maintain all
167 existing health, automobile or homeowners insurance coverage
168 without change in coverage or beneficiary designation, or (D) provide
169 financial support for the benefit of any dependent child or children in
170 common of the applicant and the respondent, provided the respondent
171 has a legal duty to support such child or children and the ability to
172 pay. The court shall not enter any order of financial support without
173 sufficient evidence as to the ability to pay, including, but not limited
174 to, financial affidavits. If at the hearing no order is entered under this
175 subsection or subsection [(c)] (d) of this section, no such order may be
176 entered thereafter pursuant to this section. Any order entered pursuant
177 to this subsection shall not be subject to modification and shall expire
178 one hundred twenty days after the date of issuance or upon issuance
179 of a superseding order, whichever occurs first. Any amounts not paid
180 or collected under this subsection or subsection [(c)] (d) of this section
181 may be preserved and collectible in an action for dissolution of

182 marriage, custody, paternity or support.

183 ~~[(e)]~~ (f) Every order of the court made in accordance with this
184 section shall contain the following language: (1) "This order may be
185 extended by the court beyond one year. In accordance with section
186 53a-107 of the Connecticut general statutes, entering or remaining in a
187 building or any other premises in violation of this order constitutes
188 criminal trespass in the first degree. This is a criminal offense
189 punishable by a term of imprisonment of not more than one year, a
190 fine of not more than two thousand dollars or both."; and (2) "In
191 accordance with section 53a-223b of the Connecticut general statutes,
192 any violation of subparagraph (A) or (B) of subdivision (2) of
193 subsection (a) of section 53a-223b constitutes criminal violation of a
194 restraining order which is punishable by a term of imprisonment of
195 not more than five years, a fine of not more than five thousand dollars,
196 or both. Additionally, any violation of subparagraph (C) or (D) of
197 subdivision (2) of subsection (a) of section 53a-223b constitutes
198 criminal violation of a restraining order which is punishable by a term
199 of imprisonment of not more than ten years, a fine of not more than ten
200 thousand dollars, or both."

201 ~~[(f)]~~ (g) No order of the court shall exceed one year, except that an
202 order may be extended by the court upon motion of the applicant for
203 such additional time as the court deems necessary. If the respondent
204 has not appeared upon the initial application, service of a motion to
205 extend an order may be made by first-class mail directed to the
206 respondent at the respondent's last-known address.

207 ~~[(g) The]~~ (h) (1) Except as provided in subdivision (2) of this
208 subsection, the applicant shall cause notice of the hearing pursuant to
209 subsection (b) of this section and a copy of the application and the
210 applicant's affidavit and of any ex parte order issued pursuant to
211 subsection (b) of this section to be served on the respondent not less
212 than ~~[five]~~ three days before the hearing.

213 (2) When (A) an application indicates that a respondent holds a

214 permit to carry a pistol or revolver, an eligibility certificate for a pistol
215 or revolver, a long gun eligibility certificate or an ammunition
216 certificate or possesses one or more firearms or ammunition, and (B)
217 the court has issued an ex parte order pursuant to subsection (b) of this
218 section, service of process shall be effectuated by a police officer in lieu
219 of service by a proper officer. When service is to be effectuated by a
220 police officer, the clerk of the court shall send, by facsimile or other
221 means, the application, the applicant's affidavit, the ex parte order and
222 the notice of the hearing to the law enforcement agency, for the town
223 in which the respondent resides, not later than two hours after the
224 issuance of such order. The law enforcement agency shall receive all
225 process directed to such agency. A police officer of the law
226 enforcement agency shall promptly execute such service and make
227 true return thereof. Service of process by a police officer on a
228 respondent shall be in hand. At the time a police officer effectuates
229 service, the respondent shall surrender all pistols, revolvers, other
230 firearms and ammunition owned by, or in the control or possession of,
231 such respondent to the police officer. In the event that pistols,
232 revolvers, other firearms and ammunition cannot be surrendered by
233 the respondent to the police officer at the time service is effectuated
234 because such pistols, revolvers, other firearms and ammunition are at a
235 location other than the location where service is effectuated, the
236 respondent shall, not later than twenty-four hours after the time
237 service is effectuated, transfer, deliver or surrender such pistols,
238 revolvers, other firearms and ammunition in accordance with section
239 29-36k, as amended by this act. When service is effectuated by a police
240 officer, the information contained in the application or applicant's
241 affidavit shall not alone constitute grounds for arrest under subsection
242 (a) of section 46b-38b. A photographic copy, a micrographic copy or
243 other electronic image that clearly and accurately copies the
244 application, the applicant's affidavit, any ex parte order and the notice
245 of hearing shall be permitted when effectuating service under this
246 section.

247 [The cost of such service] (3) All costs incurred in effectuating

248 service of process under this section, except service effectuated by a
249 police officer, shall be paid for by the Judicial Branch. Upon the
250 granting of an ex parte order, the clerk of the court shall provide two
251 copies of the order to the applicant. [Upon the granting of an order
252 after notice and hearing, the clerk of the court shall provide two copies
253 of the order to the applicant and a copy to the respondent. Every order
254 of the court made in accordance with this section after notice and
255 hearing shall be accompanied by a notification that is consistent with
256 the full faith and credit provisions set forth in 18 USC 2265(a), as
257 amended from time to time.] Immediately after making service on the
258 respondent, the proper officer or police officer shall (A) send or cause
259 to be sent, by facsimile or other means, a copy of the application, or the
260 information contained in such application, stating the date and time
261 the respondent was served, to the law enforcement agency or agencies
262 for the town in which the applicant resides, the town in which the
263 applicant is employed and the town in which the respondent resides,
264 and (B) as soon as possible, but not later than two hours after the time
265 that service is effectuated, input into the Judicial Branch's Internet-
266 based service tracking system the date, time and method of service. If,
267 prior to the date of the scheduled hearing, service has not been
268 effectuated, the proper officer or police officer shall input into the
269 service tracking system that service was unsuccessful.

270 (4) Upon the granting of an order after notice and hearing, the clerk
271 of the court shall provide two copies of the order to the applicant and a
272 copy to the respondent. The clerk of the court shall send, by facsimile
273 or other means, a copy of [any ex parte order and of] any order after
274 notice and hearing, or the information contained in any such order, to
275 the law enforcement agency or agencies for the town in which the
276 applicant resides, the town in which the applicant is employed and the
277 town in which the respondent resides, within forty-eight hours of the
278 issuance of such order. If the victim is enrolled in a public or private
279 elementary or secondary school, including a technical high school, or
280 an institution of higher education, as defined in section 10a-55, the
281 clerk of the court shall, upon the request of the victim, send, by

282 facsimile or other means, a copy of such ex parte order or of any order
283 after notice and hearing, or the information contained in any such
284 order, to such school or institution of higher education, the president
285 of any institution of higher education at which the victim is enrolled
286 and the special police force established pursuant to section 10a-156b, if
287 any, at the institution of higher education at which the victim is
288 enrolled. Every order of the court made in accordance with this section
289 after notice and hearing shall be accompanied by a notification that is
290 consistent with the full faith and credit provisions set forth in 18 USC
291 2265(a), as amended from time to time.

292 [(h)] (i) A caretaker who is providing shelter in his or her residence
293 to a person sixty years or older shall not be enjoined from the full use
294 and enjoyment of his or her home and property. The Superior Court
295 may make any other appropriate order under the provisions of this
296 section.

297 [(i)] (j) When a motion for contempt is filed for violation of a
298 restraining order, there shall be an expedited hearing. Such hearing
299 shall be held within five court days of service of the motion on the
300 respondent, provided service on the respondent is made not less than
301 twenty-four hours before the hearing. If the court finds the respondent
302 in contempt for violation of an order, the court may impose such
303 sanctions as the court deems appropriate.

304 [(j)] (k) An action under this section shall not preclude the applicant
305 from seeking any other civil or criminal relief.

306 (l) For purposes of this section, "police officer" has the same
307 meaning as provided in section 54-1t, and "law enforcement agency"
308 has the same meaning as provided in section 54-1t.

309 Sec. 4. Subsection (a) of section 52-261 of the general statutes is
310 repealed and the following is substituted in lieu thereof (*Effective*
311 *October 1, 2015*):

312 (a) Except as provided in subsection (b) of this section and section

313 52-261a, each officer or person, other than a police officer as defined in
314 section 54-1t, who serves process, summons or attachments on behalf
315 of: (1) An official of the state or any of its agencies, boards or
316 commissions, or any municipal official acting in his or her official
317 capacity, shall receive a fee of not more than thirty dollars for each
318 process served and an additional fee of thirty dollars for the second
319 and each subsequent service of such process, except that such officer or
320 person shall receive an additional fee of ten dollars for each
321 subsequent service of such process at the same address or for
322 notification of the office of the Attorney General in dissolution and
323 postjudgment proceedings if a party or child is receiving public
324 assistance; and (2) any person, except a person described in
325 subdivision (1) of this subsection, shall receive a fee of not more than
326 forty dollars for each process served and an additional fee of forty
327 dollars for the second and each subsequent service of such process,
328 except that such officer or person shall receive an additional fee of
329 twenty dollars for each subsequent service of such process at the same
330 address or for notification of the office of the Attorney General in
331 dissolution and postjudgment proceedings if a party or child is
332 receiving public assistance. Each such officer or person shall also
333 receive the fee set by the Department of Administrative Services for
334 state employees for each mile of travel, to be computed from the place
335 where such officer or person received the process to the place of
336 service, and thence in the case of civil process to the place of return. If
337 more than one process is served on one person at one time by any such
338 officer or person, the total cost of travel for the service shall be the
339 same as for the service of one process only. Each officer or person who
340 serves process shall also receive the moneys actually paid for town
341 clerk's fees on the service of process. Any officer or person required to
342 summon jurors by personal service of a warrant to attend court shall
343 receive for the first ten miles of travel while so engaged, such mileage
344 to be computed from the place where such officer or person receives
345 the process to the place of service, twenty-five cents for each mile, and
346 for each additional mile, ten cents. For summoning any juror to attend
347 court otherwise than by personal service of the warrant, such officer or

348 person shall receive only the sum of fifty cents and actual
349 disbursements necessarily expended by such officer or person in
350 making service thereof as directed. Notwithstanding the provisions of
351 this section, for summoning grand jurors, such officer or person shall
352 receive only such officer's or person's actual expenses and such
353 reasonable sum for services as are taxed by the court. The following
354 fees shall be allowed and paid: (A) For taking bail or bail bond, one
355 dollar; (B) for copies of writs and complaints, exclusive of
356 endorsements, one dollar per page, not to exceed a total amount of
357 nine hundred dollars in any particular matter; (C) for endorsements,
358 forty cents per page or fraction thereof; (D) for service of a warrant for
359 the seizure of intoxicating liquors, or for posting and leaving notices
360 after the seizure, or for the destruction or delivery of any such liquors
361 under order of court, twenty dollars; (E) for the removal and custody
362 of such liquors so seized, reasonable expenses, and twenty dollars; (F)
363 for the levy of an execution, when the money is actually collected and
364 paid over, or the debt or a portion of the debt is secured by the officer,
365 fifteen per cent on the amount of the execution, provided the
366 minimum fee for such execution shall be thirty dollars; (G) on the levy
367 of an execution on real property and on application for sale of personal
368 property attached, to each appraiser, for each half day of actual
369 service, reasonable and customary expenses; (H) for causing an
370 execution levied on real property to be recorded, fees for travel, twenty
371 dollars and costs; (I) for services on an application for the sale of
372 personal property attached, or in selling mortgaged property
373 foreclosed under a decree of court, the same fees as for similar services
374 on executions; (J) for committing any person to a community
375 correctional center, in civil actions, twenty-one cents a mile for travel,
376 from the place of the court to the community correctional center, in
377 lieu of all other expenses; and (K) for summoning and attending a jury
378 for reassessing damages or benefits on a highway, three dollars a day.
379 The court shall tax as costs a reasonable amount for the care of
380 property held by any officer under attachment or execution. The
381 officer serving any attachment or execution may claim compensation
382 for time and expenses of any person, in keeping, securing or removing

383 property taken thereon, provided such officer shall make out a bill.
384 The bill shall specify the labor done, and by whom, the time spent, the
385 travel, the money paid, if any, and to whom and for what. The
386 compensation for the services shall be reasonable and customary and
387 the amount of expenses and shall be taxed by the court with the costs.

388 (b) Each officer or person shall receive the following fees: (1) For
389 service of an execution on a summary process judgment, not more
390 than fifty dollars; and (2) for removal under section 47a-42 of a
391 defendant or other occupant bound by a summary process judgment,
392 and the possessions and personal effects of such defendant or other
393 occupant, not more than one hundred dollars per hour.

394 Sec. 5. (NEW) (*Effective October 1, 2015*) In each superior court where
395 a restraining order issued under section 46b-15 of the general statutes,
396 as amended by this act, may be made returnable, the Chief Court
397 Administrator shall, where feasible, work to allocate space in such
398 court so as to permit a meeting between a person seeking service of the
399 notice of hearing and any order issued under section 46b-15 of the
400 general statutes, as amended by this act, and a state marshal.

401 Sec. 6. (NEW) (*Effective October 1, 2015*) (a) The Chief Court
402 Administrator shall revise and simplify the process for filing an
403 application for relief from abuse under section 46b-15 of the general
404 statutes, as amended by this act. The Chief Court Administrator shall
405 ensure that any person seeking to file an application for relief from
406 abuse is provided with a one-page, plain language explanation of how
407 to apply for relief from abuse under section 46b-15 of the general
408 statutes, as amended by this act.

409 (b) The Chief Court Administrator shall annually collect data on (1)
410 the number of restraining orders issued under section 46b-15 of the
411 general statutes, as amended by this act, and civil protection orders
412 issued under section 46b-16a of the general statutes; (2) the number of
413 such orders that are picked up by an applicant from the office of the
414 clerk at the court location which issued the order; (3) the method of

415 service of such orders in cases in which a respondent is successfully
416 served with the order including whether such orders were served by a
417 police officer pursuant to subsection (h) of section 46b-15 of the general
418 statutes, as amended by this act; and (4) the number of such orders
419 issued that subsequently expire or are dismissed because the
420 respondent could not be served with the order.

421 Sec. 7. Section 29-36k of the general statutes is repealed and the
422 following is substituted in lieu thereof (*Effective October 1, 2015*):

423 (a) [Not later than two business days] Except as provided in
424 subsection (b) of this section, not later than two business days after the
425 occurrence of any event that makes a person ineligible to possess a
426 pistol or revolver or other firearm or ammunition, such person shall (1)
427 transfer in accordance with section 29-33 all pistols and revolvers
428 which such person then possesses to any person eligible to possess a
429 pistol or revolver and transfer in accordance with any applicable state
430 and federal laws all other firearms to any person eligible to possess
431 such other firearms by obtaining an authorization number for the sale
432 or transfer of the firearm from the Commissioner of Emergency
433 Services and Public Protection, and submit a sale or transfer of
434 firearms form to said commissioner within two business days, [except
435 that a person subject to a restraining or protective order or a foreign
436 order of protection may only transfer a pistol, revolver or other firearm
437 or ammunition under this subdivision to a federally licensed firearms
438 dealer pursuant to the sale of the pistol, revolver or other firearm and
439 ammunition to the federally licensed firearms dealer,] or (2) deliver or
440 surrender such pistols and revolvers and other firearms and
441 ammunition to the Commissioner of Emergency Services and Public
442 Protection or a law enforcement agency, or (3) transfer such
443 ammunition to any person eligible to possess such ammunition. The
444 commissioner or a law enforcement agency shall exercise due care in
445 the receipt and holding of such pistols and revolvers and other
446 firearms or ammunition. [For the purposes of this section, a "person
447 subject to a restraining or protective order or a foreign order of

448 protection" means a person who knows that such person is subject to
449 (A) a restraining or protective order of a court of this state that has
450 been issued against such person, after notice and an opportunity to be
451 heard has been provided to such person, in a case involving the use,
452 attempted use or threatened use of physical force against another
453 person, or (B) a foreign order of protection, as defined in section 46b-
454 15a, that has been issued against such person in a case involving the
455 use, attempted use or threatened use of physical force against another
456 person.]

457 (b) Immediately, but in no event more than twenty-four hours after
458 notice has been provided to a person subject to a restraining or
459 protective order or a foreign order of protection, such person shall (1)
460 transfer any pistol, revolver or other firearm or ammunition that such
461 person then possesses to a federally licensed firearms dealer pursuant
462 to the sale of the pistol, revolver or other firearm or ammunition to the
463 federally licensed firearms dealer, or (2) deliver or surrender such
464 pistols and revolvers and other firearms and ammunition to the
465 Commissioner of Emergency Services and Public Protection or a law
466 enforcement agency.

467 [(b)] (c) Such person, or such person's legal representative, may, at
468 any time up to one year after such delivery or surrender to the
469 Commissioner of Emergency Services and Public Protection or a law
470 enforcement agency, transfer such pistols and revolvers in accordance
471 with the provisions of section 29-33 to any person eligible to possess a
472 pistol or revolver and transfer such other firearms and ammunition, in
473 accordance with any applicable state and federal laws, to any person
474 eligible to possess such other firearms and ammunition, provided any
475 person subject to a restraining or protective order or a foreign order of
476 protection, or such person's legal representative, may only transfer
477 such pistol, revolver or other firearm or ammunition to a federally
478 licensed firearms dealer pursuant to the sale of the pistol, revolver or
479 other firearm or ammunition to the federally licensed firearms dealer.
480 Upon notification in writing by the transferee and such person, the

481 Commissioner of Emergency Services and Public Protection or law
482 enforcement agency shall, within ten days, deliver such pistols and
483 revolvers [or] and other firearms [or] and ammunition to the
484 transferee. If a person subject to a restraining or protective order or a
485 foreign order of protection transferred or surrendered pistols and
486 revolvers and other firearms and ammunition to the Commissioner of
487 Emergency Services and Public Protection or a law enforcement
488 agency because such person was subject to an order; upon the
489 expiration of such order, such person may notify the commissioner or
490 law enforcement agency that such order has expired. The
491 commissioner or law enforcement agency, upon confirming
492 verification of the expiration of such order and provided such person
493 is not otherwise disqualified from possessing such pistols and
494 revolvers and other firearms and ammunition, shall return to the
495 person such pistols and revolvers and other firearms and ammunition.
496 If, at the end of such year, such pistols and revolvers [or] and other
497 firearms [or] and ammunition have not been so transferred, the
498 commissioner or law enforcement agency shall cause them to be
499 destroyed.

500 [(c)] (d) Any person who fails to transfer, deliver or surrender any
501 such pistols and revolvers and other firearms [or] and ammunition as
502 provided in this section shall be subject to the penalty provided for in
503 section 53a-217, as amended by this act, or 53a-217c, as amended by
504 this act.

505 (e) For the purposes of this section: (1) "Person subject to a
506 restraining or protective order or a foreign order of protection" means
507 a person who knows that such person is subject to (A) a restraining or
508 protective order of a court of this state that has been issued against
509 such person, after notice has been provided to such person, in a case
510 involving the use, attempted use or threatened use of physical force
511 against another person, or (B) a foreign order of protection, as defined
512 in section 46b-15a, that has been issued against such person in a case
513 involving the use, attempted use or threatened use of physical force

514 against another person; and (2) "law enforcement agency" has the same
515 meaning as provided in section 54-1t.

516 Sec. 8. Section 53a-217 of the general statutes is repealed and the
517 following is substituted in lieu thereof (*Effective October 1, 2015*):

518 (a) A person is guilty of criminal possession of a firearm,
519 ammunition or an electronic defense weapon when such person
520 possesses a firearm, ammunition or an electronic defense weapon and
521 (1) has been convicted of a felony committed prior to, on or after
522 October 1, 2013, or of a violation of subsection (c) of section 21a-279 or
523 section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176,
524 53a-178 or 53a-181d committed on or after October 1, 2013, (2) has been
525 convicted as delinquent for the commission of a serious juvenile
526 offense, as defined in section 46b-120, (3) has been discharged from
527 custody within the preceding twenty years after having been found
528 not guilty of a crime by reason of mental disease or defect pursuant to
529 section 53a-13, (4) knows that such person is subject to (A) a
530 restraining or protective order of a court of this state that has been
531 issued against such person, after notice [and an opportunity to be
532 heard] has been provided to such person, in a case involving the use,
533 attempted use or threatened use of physical force against another
534 person and such person has not complied with the provisions of
535 section 29-36k, as amended by this act, or (B) a foreign order of
536 protection, as defined in section 46b-15a, that has been issued against
537 such person in a case involving the use, attempted use or threatened
538 use of physical force against another person and such person has not
539 complied with the provisions of section 29-36k, as amended by this act,
540 (5) (A) has been confined on or after October 1, 2013, in a hospital for
541 persons with psychiatric disabilities, as defined in section 17a-495,
542 within the preceding sixty months by order of a probate court, or with
543 respect to any person who holds a valid permit or certificate that was
544 issued or renewed under the provisions of section 29-28 or 29-36f in
545 effect prior to October 1, 2013, such person has been confined in such
546 hospital within the preceding twelve months, or (B) has been

547 voluntarily admitted on or after October 1, 2013, to a hospital for
548 persons with psychiatric disabilities, as defined in section 17a-495,
549 within the preceding six months for care and treatment of a psychiatric
550 disability and not solely for being an alcohol-dependent person or a
551 drug-dependent person as those terms are defined in section 17a-680,
552 (6) knows that such person is subject to a firearms seizure order issued
553 pursuant to subsection (d) of section 29-38c after notice and an
554 opportunity to be heard has been provided to such person, or (7) is
555 prohibited from shipping, transporting, possessing or receiving a
556 firearm pursuant to 18 USC 922(g)(4). For the purposes of this section,
557 "convicted" means having a judgment of conviction entered by a court
558 of competent jurisdiction, "ammunition" means a loaded cartridge,
559 consisting of a primed case, propellant or projectile, designed for use
560 in any firearm, and a motor vehicle violation for which a sentence to a
561 term of imprisonment of more than one year may be imposed shall be
562 deemed an unclassified felony.

563 (b) Criminal possession of a firearm, ammunition or an electronic
564 defense weapon is a class C felony, for which two years of the sentence
565 imposed may not be suspended or reduced by the court, and five
566 thousand dollars of the fine imposed may not be remitted or reduced
567 by the court unless the court states on the record its reasons for
568 remitting or reducing such fine.

569 Sec. 9. Section 53a-217c of the general statutes is repealed and the
570 following is substituted in lieu thereof (*Effective October 1, 2015*):

571 (a) A person is guilty of criminal possession of a pistol or revolver
572 when such person possesses a pistol or revolver, as defined in section
573 29-27, and (1) has been convicted of a felony committed prior to, on or
574 after October 1, 2013, or of a violation of subsection (c) of section 21a-
575 279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,
576 53a-176, 53a-178 or 53a-181d committed on or after October 1, 1994, (2)
577 has been convicted as delinquent for the commission of a serious
578 juvenile offense, as defined in section 46b-120, (3) has been discharged
579 from custody within the preceding twenty years after having been

580 found not guilty of a crime by reason of mental disease or defect
581 pursuant to section 53a-13, (4) (A) has been confined prior to October
582 1, 2013, in a hospital for persons with psychiatric disabilities, as
583 defined in section 17a-495, within the preceding twelve months by
584 order of a probate court, or has been confined on or after October 1,
585 2013, in a hospital for persons with psychiatric disabilities, as defined
586 in section 17a-495, within the preceding sixty months by order of a
587 probate court, or, with respect to any person who holds a valid permit
588 or certificate that was issued or renewed under the provisions of
589 section 29-28 or 29-36f in effect prior to October 1, 2013, such person
590 has been confined in such hospital within the preceding twelve
591 months, or (B) has been voluntarily admitted on or after October 1,
592 2013, to a hospital for persons with psychiatric disabilities, as defined
593 in section 17a-495, within the preceding six months for care and
594 treatment of a psychiatric disability and not solely for being an alcohol-
595 dependent person or a drug-dependent person as those terms are
596 defined in section 17a-680, (5) knows that such person is subject to (A)
597 a restraining or protective order of a court of this state that has been
598 issued against such person, after notice [and an opportunity to be
599 heard] has been provided to such person, in a case involving the use,
600 attempted use or threatened use of physical force against another
601 person and such person has not complied with the provisions of
602 section 29-36k, as amended by this act, or (B) a foreign order of
603 protection, as defined in section 46b-15a, that has been issued against
604 such person in a case involving the use, attempted use or threatened
605 use of physical force against another person and such person has not
606 complied with the provisions of section 29-36k, as amended by this act,
607 (6) knows that such person is subject to a firearms seizure order issued
608 pursuant to subsection (d) of section 29-38c after notice and an
609 opportunity to be heard has been provided to such person, (7) is
610 prohibited from shipping, transporting, possessing or receiving a
611 firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or
612 unlawfully in the United States. For the purposes of this section,
613 "convicted" means having a judgment of conviction entered by a court
614 of competent jurisdiction.

615 (b) Criminal possession of a pistol or revolver is a class C felony, for
616 which two years of the sentence imposed may not be suspended or
617 reduced by the court, and five thousand dollars of the fine imposed
618 may not be remitted or reduced by the court unless the court states on
619 the record its reasons for remitting or reducing such fine.

620 Sec. 10. Subsection (b) of section 29-36n of the general statutes is
621 repealed and the following is substituted in lieu thereof (*Effective*
622 *October 1, 2015*):

623 (b) The Commissioner of Emergency Services and Public Protection,
624 in conjunction with the Chief State's Attorney and the Connecticut
625 Police Chiefs Association, shall update the protocol developed
626 pursuant to subsection (a) of this section to reflect the provisions of
627 sections 29-7h, 29-28, 29-28a, 29-29, 29-30, 29-32, as amended by this
628 act, and 29-35, subsections (b) and [(g)] (h) of section 46b-15, as
629 amended by this act, subsections (c) and (d) of section 46b-38c and
630 sections 53-202a, 53-202l, 53-202m and 53a-217, as amended by this act,
631 and shall include in such protocol specific instructions for the transfer,
632 delivery or surrender of pistols and revolvers and other firearms and
633 ammunition when the assistance of more than one law enforcement
634 agency is necessary to effect the requirements of section 29-36k, as
635 amended by this act.

636 Sec. 11. Section 29-32 of the general statutes is repealed and the
637 following is substituted in lieu thereof (*Effective October 1, 2015*):

638 (a) For the purposes of this section, "conviction" means the entry of a
639 judgment of conviction by any court of competent jurisdiction.

640 (b) Any state permit or temporary state permit for the carrying of
641 any pistol or revolver may be revoked by the Commissioner of
642 Emergency Services and Public Protection for cause and shall be
643 revoked by said commissioner upon conviction of the holder of such
644 permit of a felony or of any misdemeanor specified in subsection (b) of
645 section 29-28 or upon the occurrence of any event which would have

646 disqualified the holder from being issued the state permit or
647 temporary state permit pursuant to subsection (b) of section 29-28.
648 Upon the revocation of any state permit or temporary state permit, the
649 person whose state permit or temporary state permit is revoked shall
650 be notified in writing and such state permit or temporary state permit
651 shall be forthwith delivered to the commissioner. Any law
652 enforcement authority shall confiscate and immediately forward to the
653 commissioner any state permit or temporary state permit that is
654 illegally possessed by any person. The commissioner may revoke the
655 state permit or temporary state permit based upon the commissioner's
656 own investigation or upon the request of any law enforcement agency.
657 Any person who fails to surrender any permit within five days of
658 notification in writing of revocation thereof shall be guilty of a class A
659 misdemeanor.

660 (c) Any local permit for the carrying of a pistol or revolver issued
661 prior to October 1, 2001, may be revoked by the authority issuing the
662 same for cause, and shall be revoked by the authority issuing the same
663 upon conviction of the holder of such permit of a felony or of any
664 misdemeanor specified in subsection (b) of section 29-28 or upon the
665 occurrence of any event which would have disqualified the holder
666 from being issued such local permit. Upon the revocation of any local
667 permit, the person whose local permit is revoked shall be notified in
668 writing and such permit shall be forthwith delivered to the authority
669 issuing the same. Upon the revocation of any local permit, the
670 authority issuing the same shall forthwith notify the commissioner.
671 Upon the revocation of any permit issued by the commissioner, the
672 commissioner shall forthwith notify any local authority which the
673 records of the commissioner show as having issued a currently valid
674 local permit to the holder of the permit revoked by the commissioner.
675 Any person who fails to surrender such permit within five days of
676 notification in writing or revocation thereof shall be guilty of a class A
677 misdemeanor.

678 (d) If a state permit or temporary state permit for the carrying of any

679 pistol or revolver is revoked because the person holding such permit is
680 subject to an ex parte order issued pursuant to section 46b-15, as
681 amended by this act, or 46b-16a, upon expiration of such order, such
682 person may notify the Department of Emergency Services and Public
683 Protection that such order has expired. Upon verification of such
684 expiration and provided such person is not otherwise disqualified
685 from holding such permit pursuant to subsection (b) of section 29-28,
686 the department shall reinstate such permit. The department's
687 determination not to reinstate any such permit that has been revoked
688 may not be based solely upon the issuance of such expired ex parte
689 order.

690 Sec. 12. Section 29-36i of the general statutes is repealed and the
691 following is substituted in lieu thereof (*Effective October 1, 2015*):

692 (a) Any eligibility certificate for a pistol or revolver shall be revoked
693 by the Commissioner of Emergency Services and Public Protection
694 upon the occurrence of any event which would have disqualified the
695 holder from being issued the certificate pursuant to section 29-36f.

696 (b) Upon the revocation of any eligibility certificate, the person
697 whose eligibility certificate is revoked shall be notified in writing and
698 such certificate shall be forthwith delivered to the Commissioner of
699 Emergency Services and Public Protection. Any person who fails to
700 surrender such certificate within five days of notification in writing of
701 revocation thereof shall be guilty of a class A misdemeanor.

702 (c) If an eligibility certificate for a pistol or revolver is revoked
703 because the person holding such certificate is subject to an ex parte
704 order issued pursuant to section 46b-15, as amended by this act, or
705 46b-16a, upon expiration of such order, such person may notify the
706 Department of Emergency Services and Public Protection that such
707 order has expired. Upon verification of such expiration and provided
708 such person is not otherwise disqualified from holding such certificate
709 pursuant to section 29-36f, the department shall reinstate such
710 certificate. The department's determination not to reinstate any such

711 certificate that has been revoked may not be based solely upon the
712 issuance of such expired ex parte order.

713 Sec. 13. Section 29-37s of the general statutes is repealed and the
714 following is substituted in lieu thereof (*Effective October 1, 2015*):

715 (a) A long gun eligibility certificate shall be revoked by the
716 Commissioner of Emergency Services and Public Protection upon the
717 occurrence of any event which would have disqualified the holder
718 from being issued the certificate pursuant to section 29-37p.

719 (b) Upon the revocation of any long gun eligibility certificate, the
720 person whose certificate is revoked shall be notified, in writing, and
721 such certificate shall be forthwith delivered to the Commissioner of
722 Emergency Services and Public Protection. Any person who fails to
723 surrender such certificate within five days of notification, in writing, of
724 revocation thereof shall be guilty of a class A misdemeanor.

725 (c) If a long gun eligibility certificate is revoked because the person
726 holding such certificate is subject to an ex parte order issued pursuant
727 to section 46b-15, as amended by this act, or 46b-16a, upon expiration
728 of such order, such person may notify the Department of Emergency
729 Services and Public Protection that such order has expired. Upon
730 verification of such expiration and provided such person is not
731 otherwise disqualified from holding such certificate pursuant to
732 section 29-37p, the department shall reinstate such certificate. The
733 department's determination not to reinstate any such certificate that
734 has been revoked may not be based solely upon the issuance of such
735 expired ex parte order.

736 Sec. 14. Section 29-38p of the general statutes is repealed and the
737 following is substituted in lieu thereof (*Effective October 1, 2015*):

738 (a) An ammunition certificate shall be revoked by the Commissioner
739 of Emergency Services and Public Protection upon the occurrence of
740 any event which would have disqualified the holder from being issued
741 the certificate pursuant to section 29-38n.

742 (b) Upon the revocation of any ammunition certificate, the person
 743 whose certificate is revoked shall be notified, in writing, and such
 744 certificate shall be forthwith delivered to the Commissioner of
 745 Emergency Services and Public Protection. Any person who fails to
 746 surrender such certificate within five days of notification, in writing, of
 747 revocation thereof shall be guilty of a class A misdemeanor.

748 (c) If an ammunition certificate is revoked because the person
 749 holding such certificate is subject to an ex parte order issued pursuant
 750 to section 46b-15, as amended by this act, or 46b-16a, upon expiration
 751 of such order, such person may notify the Department of Emergency
 752 Services and Public Protection that such order has expired. Upon
 753 verification of such expiration and provided such person is not
 754 otherwise disqualified from holding such certificate pursuant to
 755 section 29-38n, the department shall reinstate such certificate. The
 756 department's determination not to reinstate any such certificate that
 757 has been revoked may not be based solely upon the issuance of such
 758 expired ex parte order."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	6-32
Sec. 2	October 1, 2015	6-38b(j)
Sec. 3	October 1, 2015	46b-15
Sec. 4	October 1, 2015	52-261(a)
Sec. 5	October 1, 2015	New section
Sec. 6	October 1, 2015	New section
Sec. 7	October 1, 2015	29-36k
Sec. 8	October 1, 2015	53a-217
Sec. 9	October 1, 2015	53a-217c
Sec. 10	October 1, 2015	29-36n(b)
Sec. 11	October 1, 2015	29-32
Sec. 12	October 1, 2015	29-36i
Sec. 13	October 1, 2015	29-37s
Sec. 14	October 1, 2015	29-38p